

**Staff  
Summary  
Report**



**To: Mayor and City Council**

**Agenda Item Number** 54  
**Meeting Date:** 11/18/99  
**Doc. Name:** 991118devsrh07  
**Supporting Documents:** Yes

**SUBJECT:** 1<sup>st</sup> & FARMER CONDOS #SPD-99.77

**APPROVED BY:** Randall Hurlburt, Development Services Director  
Grace Kelly, Planner II

**BRIEF:** This is the first public hearing for 1<sup>st</sup> & Farmer Condos for a Final Planned Area Development for a 136 unit condominium complex at 410 West First Street.

**COMMENTS:** **PLANNED DEVELOPMENT (0406)** This is the first public hearing for 1<sup>st</sup> & FARMER CONDOS (Picrme Real Estate Group, City of Tempe, property owners) for a 2, 3 & 4-story condominium complex with 136 units (including 10 live/work units) at 410 West 1<sup>st</sup> Street. This request is located on a 5.5 net acre parcel between West 1<sup>st</sup> Street and Rio Salado Parkway, just west of Farmer Avenue. The following approvals are requested from the City of Tempe:

- a. **(#SPD-99.77)** A Final Planned Area Development for a 136-unit condominium complex, including 22 one-bedroom units and 114 two-bedroom for a total of 251,384 s.f. of building area including covered patios/walks on 5.5 net acres at 410 W. 1<sup>st</sup> Street. **(Please see list of variances on Page 2.)**

**SUMMARY:** Earlier this year, Council approved a zoning change from I-2 to MG and a Preliminary Planned Area Development (PAD) for 162 condominiums on 7.1 net acres at 410 W. 1<sup>st</sup> Street, including a use permit and three variances. The current request is for a Final Planned Area Development (PAD) for 136 condominiums and three variances which staff is supporting. Since the Preliminary PAD, modifications have been made to the plan which include a reduction in the total number of units from 162 to 136; an increase in the percentage of 2-bedroom units to 85% of the entire complex; the addition of 47 garages and 12 additional bicycle parking spaces; and modified building elevations which have been redesigned to include elements from Downtown and the Mill Avenue Bridge. As part of their consent agendas, both the Design Review Board (on 10/20/99) and the Planning Commission (on 10/26/99) approved the project. To date, there have been no public comments.

	<u>Recommendation</u>	<u>Comments</u>
Staff	Approval	See report
P&Z Commission	Approval	Consent agenda, 6-0 vote
Design Review Board	Approval	Consent agenda, 6-0 vote
Public	No comments	

## **HISTORY & FACTS:**

1989. City Council adopted General Plan 2000 which encouraged the development of diminishing vacant land through the Mixed Use and Growth Node Land Use designations. This site was designated as "Mixed Use".
- April 10, 1997 City Council adopted General Plan 2020 which designates this site as "Mixed Use".
- January 11, 1999. The Rio Salado Commission reviewed and approved the proposal for Picerne Apartments. They commented that they would like to see the City and State land (north of the private property) left undeveloped. They would like to see no parking spaces or buildings on the City or State land.
- February 23, 1999. Planning Commission held a public hearing for Picerne Apartments. At the hearing, three residents spoke, two of which expressed concern. The adjacent property owner of the Sail Inn tavern raised concern about potential noise complaints about live music that future residents may have. The second resident stated that Farmer should remain as it is today and not be used for private parking. She also expressed opposition to a wall between the neighborhood and the project and sent a letter to address her views (see attached letter). The case was continued to March 9, 1999 to allow more time for the applicant to submit additional parking study documentation.
- March 9, 1999. Planning Commission granted a continuance to the applicant until March 23, 1999.
- March 23, 1999. Planning Commission approved, by a 5-0 vote, the request subject to the conditions as listed on the staff report with Condition #17 modified, and Condition #18 added.
- April 8, 1999. Council held the first public hearing for this request.
- April 15, 1999. City Council approved a zoning change from I-2 to MG and a Preliminary Planned Area Development for a 162 unit apartment complex, including 88 one-bedroom units, and 74 two-bedroom units for a total of 201,000 s.f. of building area plus an additional 10,000 s.f. for carports, covered patios/walks, on 7.1 net acres at 410 W. 1<sup>st</sup> Street including a use permit to allow parking to be parked by peak demand and three variances; namely front yard setback from 25' to 10, reduction of bicycle parking from 162 to 124 in the ASU commute area and reduction of required RV parking from 8 to 0 in the ASU commute area. The approvals were subject to 19 conditions.
- October 12, 1999. Planning Commission granted a continuance to the applicant until October 26, 1999 to allow the applicant time to complete the Design Review process.

October 20, 1999

Design Review Board approved, on their consent agenda, by a 6-0 vote, elevations, site plan, landscape plan, lighting, and building materials for 1<sup>st</sup> and Farmer Condominiums.

October 26, 1999

Planning Commission approved the proposal, by a 6-0 vote, on their consent agenda.

**DESCRIPTION:**

Owner - Picerne Development Corp., Laurie Dryden, and City of Tempe.

Applicant - Earl, Curley & Lagarde, Stephen Earl

Architect - Todd & Associates, Stan Lusardi

Zoning - MG Multi Use General Zoning District

Total site area - 5.5 net acres

Total building area - 251,384 s.f. (first floor - 44,524 s.f.)

Number of units proposed - 136 units

22 - 1 BR (including 2 live/work units)

114 - 2 BR (including 8 live/work units)

Density proposed - No Standard in MG zoning district

Density proposed - 18.9 units per acre

Building Height allowed - No Standard in MG zoning district

Building Height proposed - 50' (two, three and four-story over garages)

Lot coverage - 17.7%

Total Parking required by Ordinance = 288 spaces

Total Parking provided = 277 spaces\*

Bicycle parking required - 162 spaces

Bicycle parking provided - 136 spaces\*\*

RV parking required - 8

RV parking provided - 0

Landscaping provided - 31.5%

\* Per previously approved use permit to park by peak demand. (SPD-99.20; 4/15/99)

\*\* Per previously approved variance to reduce bicycle parking from 162 to 124 spaces. (SPD-99.20; 4/15/99)

Variances:

1. Reduce minimum required landscape strip from 15' to 10' to accommodate previously approved building setback along First Street.
2. Reduce minimum required street side yard setback from 25' to 13' to accommodate parking garages along Farmer Avenue.
3. Reduce minimum required courtyard separation from 50' to 27' between the main building and the live/work units along 1<sup>st</sup> Street.

Previously Approved Use Permit:

Allow parking to be parked by peak demand.

Previously Approved Variances:

1. Reduce minimum required front yard building setback from 25' to 10'.
2. Reduce minimum required bicycle parking spaces from 162 to 124 in the ASU commute area.
3. Reduce minimum required RV parking spaces from 8 to 0 in the ASU commute area.

**COMMENTS:** Earlier this year, Council approved a zoning change from I-2 to MG and a Preliminary Planned Area Development (PAD) for 162 condominiums on 7.1 net acres at 410 W. 1<sup>st</sup> Street, including a use permit and three variances. The current request is for a Final Planned Area Development (PAD) for 136 condominiums and three variances.

The building layout of the units has essentially remained the same. In general, five main modifications have been made to the plan, and are described as follows. First, the owner reduced the total number of units from 162 to 136, and increased the percentage of 2-bedroom units to 85% of the entire complex. Second, the owner has added 47 garages and 12 additional bicycle parking spaces. Third, the building elevations have been redesigned to include elements from Downtown and the Mill Avenue Bridge. Also, First Street frontage will have a "carriage" entrance that architecturally ties the two building elements together.

Fourth, the property boundary has changed. The previously approved plan included the access road from Rio Salado Parkway and the northern portion of the parcel adjacent to the Rio Salado Parkway. The Final plan excludes these areas, due to the desire of City staff to maintain control of the access road and frontage along Rio Salado Parkway. The developer has agreed to enter a Development Disposition Agreement (DDA) with the City, which obligates the developer to provide and maintain landscaping along the Rio Salado Parkway frontage, on the strip of property north of the proposed condominium property boundary, (as shown in their landscape plan). They will have access to Rio Salado Parkway via an access easement. Staff expects this DDA to go before the Council in early November.

Fifth, a small piece of State land has been added to the property (the owner has added garages in this area). In a letter submitted by the applicant, dated August 17, 1999, he requested that a technical correction be made to the legal description in the April 15<sup>th</sup> zoning and PAD approval to incorporate the small State land parcel and to eliminate a portion owned by the City of Tempe, which will be covered in the DDA. The City Attorney has agreed to this and will make the correction prior to recordation of the Final PAD.

As before, there will be 10 live/work units along 1<sup>st</sup> Street, and the rest of the 126 units over garages will be arranged around a courtyard with a pool. There are 22 one-bedroom units and 114 two-bedroom units ranging from 946 s.f. to 1,561 s.f. in livable area. Also, there are 8 two-bedroom live/work units consisting of a 539 s.f. office/workspace and garage under a 1,022 s.f. apartment.

As part of the proposal, three variances are requested. They are: 1) reduce a minimum required landscape strip from 15' to 10' to accommodate previously approved building setback along First Street; 2) reduce the minimum required street side yard setback from 25' to 13' to accommodate parking garages along Farmer Avenue and 3) reduce the minimum required courtyard separation from 50' to 27' between the main building and the live/work units along 1<sup>st</sup> Street.

Staff believes the proposed variance to reduce the required landscaping along 1<sup>st</sup> Street is appropriate and should create an urban, pedestrian-friendly, environment along the live-work units on 1<sup>st</sup> Street. We also think reducing the building setback at the street side yard for the additional garages and the proposed courtyard separation reduction should not cause a significant increase of pedestrian or vehicular traffic, or nuisance. We believe that the variances pass the required ordinance tests which are: the enjoyment of substantial property rights to develop an urban residential development, the condition of the land being in an urban location, and that the project will not be detrimental to adjacent industrial properties, therefore, we feel the variances pass the required ordinance tests.

The Design Review Board approved the site plan, elevations, building materials, lighting, landscaping, and quality study of the multi-family dwellings at their October 20, 1999 meeting. Planning Commission approved the proposal, by a 6-0 vote, on their consent agenda, on October 26, 1999. The Rio Salado Commission is also in support of the proposal. Staff has not received any correspondence or phone calls from the neighborhood for the proposed Final PAD. (Last February, three letters were received from neighbors when Picerne was in the preliminary planning stages of this development, and as stated in the history section, three neighbors spoke at the Planning Commission hearing on 2/23/99. The developer worked with the neighbors to address their concerns.)

The proposed condominium development appears to have satisfactory access, design, building placement, parking layout, landscaping, and overall, appears to be a high-quality development. The developers have worked with staff and the neighborhood to design a project that would help to revitalize this section of the Rio Salado redevelopment area. The Final PAD appears to be consistent with the Preliminary PAD and appears to function well with the surrounding development. Staff believes the proposed variances appear to operate in a functional and useful manner, are compatible with surrounding downtown uses, and should not negatively impact adjacent properties. We think that this infill development will compliment existing land uses near the Rio Salado, therefore Staff, Planning Commission and the Design Review Board recommend approval subject to conditions.

**RECOMMENDATION:** Approval

**REASON(S) FOR  
APPROVAL:**

1. The Final P.A.D. appears to conform substantially to the Preliminary PAD.
2. The proposed urban scale and density of the project is compatible with surrounding development and the requested variances should not have detrimental impacts on adjacent properties.

**CONDITION(S)  
OF APPROVAL:**

1.
  - a. The Public Works Department shall approve all roadway, alley, and utility easement dedications, driveways, storm water retention, and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements.
  - b. Off-site improvements to bring roadways to current standards include:
    - (1) Water lines and fire hydrants
    - (2) Sewer lines
    - (3) Storm drains.
    - (4) Roadway improvements including street lights, curb, gutter, bikepath, sidewalk, bus shelter, and related amenities.
  - c. Fees to be paid with the development of this project include:
    - (1) Water and sewer development fees.
    - (2) Water and/or sewer participation charges.
    - (3) Inspection and testing fees.
  - d. All applicable off-site plans shall be approved prior to recordation of Final Subdivision Plat.
2.
  - a. All street dedications shall be made within six (6) months of Council approval.
  - b. Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.
  - c. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this (re)development in accordance with the Code of the City of Tempe - Section 25.120.
3. Should the property be subdivided, the owner(s) shall provide a continuing care condition, covenant and restriction for all of the project's landscaping, required by Ordinance or located in any common area on site. The CC&R's shall be in a form satisfactory to the Development Services Director and City Attorney.
4. No variances may be created by future property lines without the prior approval of the City of Tempe.

5. A valid building permit shall be obtained and substantial construction commenced within one year of the date of Council approval or the variances shall be deemed null and void.
6. This Final PAD shall be recorded prior to the issuance of permits, and shall show cross access to be maintained throughout this site over the driving aisles. No changes or modifications to the driving aisles will be allowed without the prior approval of the Engineering Department.
7. A Final Subdivision plat or lot tie, if applicable, must be approved by the City Council and recorded prior to issuance of building permits.
8. Recycling facilities shall be provided with details to be approved by the Public Works Department prior to the issuance of a building permit.
9. Bus pullout and shelter shall be provided per Transit Staff requirements.
10. A Horizontal Regime Map shall be approved by Commission and Council and recorded at the Maricopa County Recorder's Office, no later than 90 days after Final PAD approval.
11. The project cannot have a negative impact on the "flood control berms" and must abide by the City ordinances and IGAs with the Maricopa County Flood Control District in regard to setbacks from the back of the upper levee and maintenance corridors , in order to maintain the levee's integrity and to allow proper accessibility for maintenance vehicles. Details to be resolved with Engineering staff.
12. Prior to the issuance of an occupancy permit, a \$7,000 bond payment will be made to the Public Works Department Transportation Division to participate in financing a future pedestrian connection across Rio Salado Parkway. If the connection is not built in 5 years, this amount will be returned to the owner.
13. If in the future a pedestrian connection is provided, developer/owner shall provide on-site pedestrian access (including security gate, lighting, and pathway) from the site to the off-site pathway. Details to be resolved with Design Review. Condition of approval shall run with the land and be applicable to any successors in interest or their assigns.
14. Applicant shall provide disclosure statement to all tenants of the Picerne Development, per attached "Notice to Prospective Purchasers and Renters of Property in Proximity to the Sail Inn and Sky Harbor Airport", dated 4/1/99. This statement shall be signed by each tenant, prior to their occupancy in the development. Furthermore, the applicant shall comply with the terms of its letter signed by Gina Lombardi, for and on behalf of the Sail Inn dated 3/4/99.

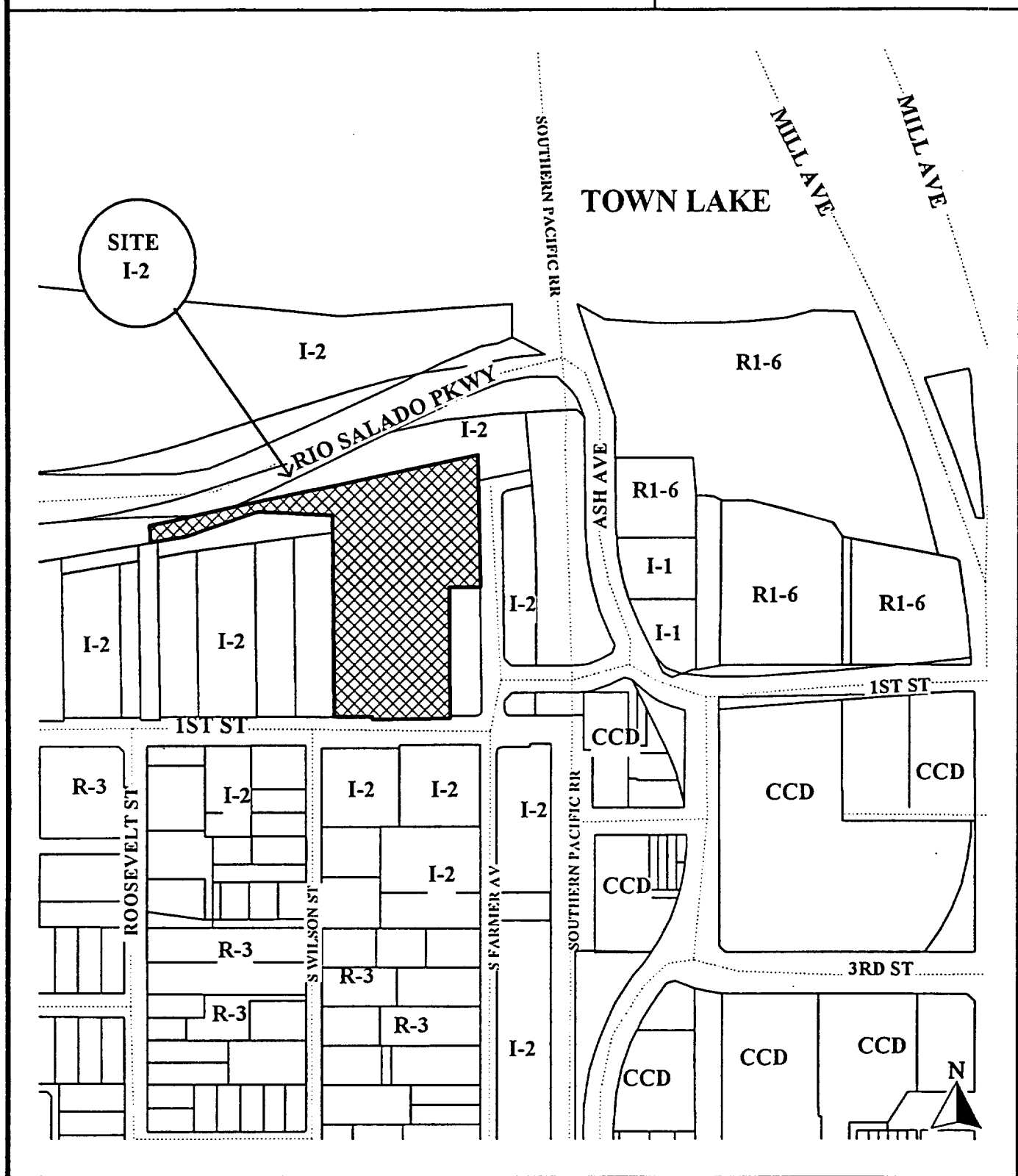
15. The CC&Rs shall include a requirement that the portion of the work space in the live/work units be required to be held by the owner or occupant of the living space above.

- ATTACHMENTS:**
1. Location Map
  2. Final Planned Area Development for 1<sup>st</sup> & Farmer Condominiums- 8/18/99
  3. Elevations
  4. Floor Plan
  5. Conceptual Landscape Plan
  6. Letter of Explanation - 8/17/99, 10/15/99
  7. Design Review Board letter of Approval - 10/21/99
  8. Previously approved Plan - 4/15/99
  9. Previously approved conditions of approval - 4/15/99



# 1ST & FARMER CONDOS

SPD-99.77



Location Map SEE OTHER SIDE FOR MORE INFORMATION

1a